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Attorney for defendants
HILLTOP FINANCIAL MORTGAGE, INC.,
ABRAHAM KABA, and THANH (TOM) NGUYEN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SANTOS SALAS, an individual, and ANITA
GUTIERREZ, an individual,

Plaintiffs,

vs.

HILLTOP FINANCIAL MORTGAGE, INC.,
a California Corporation, ENCORE CREDIT
CORPORATION, a California corporation,
ABRAHAM KABA, an individual, and
THANH (TOM) NGUYEN, an individual,

Defendants.

Case No. C 04-1682 MHP (EMC)

**STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING TIME TO
COMPLETE SETTLEMENT
CONFERENCE**

COMPLAINT FILED 04/29/2004

Plaintiffs SANTOS SALAS and ANITA GUTIERREZ and defendants HILLTOP
FINANCIAL MORTGAGE, INC., ABRAHAM KABA, and THANH (TOM) NGUYEN, by and
through the parties' respective counsel of record, hereby stipulate to an extension of time to
complete the settlement conference by May 1, 2006, as follows:

1. Magistrate Judge Edward M. Chen, on March 1, 2006, issued a Notice of
Settlement Conference and Settlement Conference Order, setting the date of April 14, 2006 for

1 the settlement conference in this case.

2 2. Defendants first received notice of the April 14, 2006 settlement conference late
3 in the afternoon on March 31, 2006, when defendants received a copy of plaintiffs' settlement
4 conference statement. Defendants were never served with Judge Chen's Notice of Settlement
5 Conference and Settlement Conference Order, despite defendants' counsel, Scott Hammel,
6 having substituted into this case on February 27, 2006, after defendants' prior counsel withdrew
7 from the case. Defendants' counsel first saw the Settlement Conference Order on the court's
8 website following receipt of plaintiffs' settlement conference statement on March 31, 2006.

9 3. Defendants' insurance carrier has not had sufficient notice of the settlement
10 conference for the settlement conference to be productive. Following Mr. Hammel's substitution
11 into the case on behalf of defendants, plaintiffs' claims were promptly tendered to defendants'
12 professional liability insurance carrier, CNA/Continental Casualty ("CNA"). CNA accepted
13 tender of defense for one of the defendants on March 24, 2006. Upon discovery of Judge Chen's
14 Settlement Conference Order on March 31, 2006, CNA was promptly sent a copy of the order.
15 In order for a settlement conference to be productive, it will be necessary for CNA to have more
16 time to evaluate the plaintiffs' claims and arrange to attend a settlement conference. CNA's
17 claims representative is based in New York.

18 5. The current deadline to complete the settlement conference is April 15, 2006. An
19 extension of time to complete the settlement conference by May 1, 2006 will not affect any of
20 the other deadlines which have been set by the court in this matter, including the date set for
21 trial.

22 6. In accordance with Judge Chen's March 1, 2006 Notice of Settlement Conference
23 and Settlement Conference Order, Defendants will serve a Settlement Conference Statement and
24 a written response to Plaintiffs March 31 settlement demand, no later than April 10, 2006.

25 7. For the foregoing reasons, counsel for plaintiffs and counsel for defendants
26 request the court to enter an order extending the time to complete the settlement conference to
27 May 1, 2006.

28 / / /

1 IT IS SO STIPULATED.

2
3 Dated: April 6, 2006

LAW OFFICE OF BYRON H. DONE

4
5 By: _____S_____
6 BYRON H. DONE
7 Attorney for defendant
8 THANH (TOM) NGUYEN

9 Dated: April 6, 2006

_____S_____
10 SCOTT HAMMEL
11 Attorney for defendants
12 HILLTOP FINANCIAL MORTGAGE, INC., ABRAHAM
13 KABA, and THANH (TOM) NGUYEN

14 Dated: April 6, 2006

DLA PIPER RUDNICK GRAY CARY US LLP

15 By: _____S_____
16 AARON WAINSCOA
17 Attorneys for Plaintiffs
18 SANTOS SALAS and ANITA GUTIERREZ

19 **ORDER**

20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

21
22 Dated: 4/7/2006

23 The Honorable Marilyn H. Patel
24 United States District Judge

